

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

|                        |   |                              |
|------------------------|---|------------------------------|
| DAMION HENRY,          | ) |                              |
|                        | ) |                              |
| Petitioner,            | ) | Case No. 1:08-cv-138-SJM-SPB |
|                        | ) |                              |
| v.                     | ) |                              |
|                        | ) |                              |
| FRANCISCO J. QUINTANA, | ) |                              |
|                        | ) |                              |
| Respondent.            | ) |                              |

**MEMORANDUM ORDER**

The instant petition for writ of habeas corpus was received by the Clerk of Court on May 8, 2008 and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Report and Recommendation, filed on December 8, 2009 [14], recommends that the instant petition for writ of habeas corpus be dismissed as moot inasmuch as the Petitioner was deported to Jamaica on May 7, 2009. Petitioner was allowed fourteen (14) days from the date of service in which to file objections. Service was made on Petitioner by certified mail at 3400 Concord Road, York, Pennsylvania, his last known address of record. No objections to the Report and Recommendation have been filed.

After de novo review of the petition and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 19<sup>th</sup> day of October, 2010;

IT IS ORDERED that the Petition for Writ of Habeas Corpus be, and hereby is, DISMISSED as moot.

The Report and Recommendation of Magistrate Judge Baxter, filed on December 8, 2009 [14], is adopted as the opinion of the Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record

U.S. Magistrate Judge Susan Paradise Baxter